

Fresno, California

August 28, 2007

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Brian Calhoun	Councilmember
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Cynthia Sterling	Councilmember
	Larry Westerlund	Councilmember
	Blong Xiong	Acting Council
	Henry Perea	Council President

Andy Souza, City Manager
Jim Sanchez, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Reverend Nobuo Miyaji of the Fresno Betsuin Buddhist Temple gave the invocation, and President Perea led the Pledge of Allegiance.

PROCLAMATION OF "BARBARA MORGAN DAY" - MAYOR AUTRY

To be rescheduled.

PROCLAMATION OF "FRANK GALLEGOS DAY" - PRESIDENT PEREA

Read and presented.

APPROVE MINUTES OF AUGUST 21, 2007:

On motion of Councilmember Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the minutes of August 21, 2007, approved as submitted.

COUNCIL MEMBER REPORTS AND COMMENTS:

COUNCILMEMBER DUNCAN: Request for information on neighborhood landscaping, specifically policy on replacement of dead plants and breakdown on how CFD taxes are spent, with City Manager Souza responding.

COUNCILMEMBER DAGES: (1) Thank you to parks & recreation staff for graffiti removal at park at Peach/California Avenue alignment; (2) request for update on the Maple/Kings Canyon police substation; (3) serious problem of lack of safe crossing for students at Olmos Elementary School and request staff address problem as soon as possible; (4) request staff look into the Kings Canyon/Fowler traffic signal condition for Fancher Creek being transferred to Don Burgess project (George Brown fitness center); and (5) suggestion to use the old juvenile hall building for the joint City/County public safety facility, with Mr. Souza responding throughout.

COUNCILMEMBER CALHOUN: (1) Concern with, and request for information on, why the U.S. Army refuses to order Pinnacle body armor when the Fresno police department does, and if other police departments use Pinnacle; and (2) issues facing the Fulton Mall and concern with application made to nominate the mall to the National Register of Historic Resources due to constraints that would be imposed if nomination is approved, with Mr. Souza and Councilmember Westerlund responding.

COUNCILMEMBER WESTERLUND: Welcome and congratulations to the new District 4 church at Clovis and Shields Avenues.

ACTING PRESIDENT XIONG: (1) Report on trip to Brazil on behalf of the American Council of Young Political Leaders; (2) report on the valley's first API Commission meeting last Friday; (3) comments on last Saturday's press conference; and (4) request for information on Transportation Authority appointment and process for Measure C Tier 1 funding, with Mr. Souza responding.

COUNCILMEMBER STERLING: (1) Commendation to all involved in the grand opening of the Geneva Village complex and report on amenities/highlights of the complex; and (2) thank you to all participants in the numerous school supply give-away block parties; and (3) thank you to the City of Fresno for the recognition of Reverend Chester Riggins and naming a street after him.

COUNCILMEMBER WESTERLUND: Invitation extended to Council to attend the California Transportation Authority meeting tomorrow regarding Measure C extension, and notification of intent to schedule a presentation before Council on Measure C extension and pass-through dollars.

PRESIDENT PEREA: (1) Commendation to city manager and public works staff for their handling of NNLB issues and work; and (2) welcome back to Acting President Xiong from Brazil, and comments on travel opportunities and learning experience as an alumni of Young Political Leaders.

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APPROVE AGENDA:

(1-D) AWARD A CONTRACT IN THE AMOUNT OF \$1,442,285 TO CLARK BROTHERS, INC., TO CONSTRUCT SITE IMPROVEMENTS AT THE SANTA FE DEPOT

Removed from the agenda at the request of staff/to be rescheduled. During adoption of the consent calendar, Councilmember Calhoun stated he was disappointed the item was being removed as he was anxious to see the continuation of the Depot, and requested staff bring the matter back soon.

On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, RESOLVED, the **AGENDA** hereby approved, *as amended*, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	None
Absent	:	None

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ADOPT CONSENT CALENDAR:

Councilmember Sterling pulled Item **1-F** and Councilmember Westerlund pulled Item **1-G** from the consent calendar for separate discussion/action at 2:00 p.m.

(1-A) RESOLUTION NO. 2007-286 - SETTING A PUBLIC HEARING FOR SEPTEMBER 25, 2007, TO CONSIDER THE FORMATION OF UNDERGROUND UTILITY DISTRICT (UUD) NO. FRE-84 - BLACKSTONE AVENUE BETWEEN SHIELDS AND BELMONT AVENUES

(1-B) RESOLUTION NO. 2007-287 - DEDICATING CERTAIN CITY-OWNED PROPERTY ON THE SOUTH SIDE OF VOORMAN AVENUE EAST OF GLENN AVENUE AND AT THE NORTHEAST CORNER OF DIVISADERO AND GLENN AVENUES FOR PUBLIC STREET PURPOSES (DICKEY YOUTH DEVELOPMENT CENTER)

(1-C) AUTHORIZE AND DIRECT THE CITY ENGINEER TO EXECUTE QUITCLAIM DEEDS ON BEHALF OF THE CITY FOR PROPERTY ACQUIRED BY THE COUNTY OF FRESNO IN 1966 FOR PUBLIC STREET RIGHT OF WAY AT THE HERNDON/DOOLITTLE INTERSECTION WHICH WILL BE VACATED UPON RECORDATION OF PARCEL MAPS TO PROVIDE FOR COMMERCIAL DEVELOPMENT OF THE ADJOINING PROPERTY

(1-E) AWARD A CONTRACT TO YARBS ENTERPRISE IN THE AMOUNT OF \$228,576 FOR THE MCKENZIE TRAIL REHABILITATION PROJECT

(1-H) CONSIDERATION OF THE PROPOSED OLIVE-POLK NO. 4F REORGANIZATION

1. AFFIRM CITY COUNCIL ACTION OF OCTOBER 3, 2006, ADOPTING THE ENVIRONMENTAL FINDING OF E.A. NO. R-06-46/TPM-2006-34

2. RESOLUTION NO. 2007-288 - APPLYING TO LAFCO IN THE MATTER OF THE PROPOSED OLIVE-POLK NO. 4F REORGANIZATION

(1-I) APPROVE \$214,000 IN HOME PROGRAM FUNDS TO MARKO CONSTRUCTION GROUP, INC., FOR PROPERTY ACQUISITION AND MAJOR REHABILITATION OF AN AFFORDABLE HOUSING DUPLEX AT 164 N. ECHO AVENUE

(1-J) RESOLUTION NO. 2007-289 - AUTHORIZE SUBMITTAL OF A BEGIN GRANT APPLICATION TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR PROGRAM FUNDS TO ASSIST FIRST-TIME HOMEBUYERS WITH THE PURCHASE OF A HOME IN A PROPOSED SINGLE-FAMILY SUBDIVISION DEVELOPMENT AT THE SOUTHEAST CORNER OF N. MARKS AND W. FLORADORA AVENUES; AND AUTHORIZE THE PLANNING AND DEVELOPMENT DIRECTOR TO SIGN ALL NECESSARY DOCUMENTS FOR PARTICIPATION IN THE BEGIN PROGRAM

(1-K) APPROVE THE ACQUISITION OF A STREET EASEMENT ALONG WHITESBRIDGE BETWEEN WEST AVENUE AND FREEWAY 99 OWNED BY RUDY AND REBECA CAPULONG, FOR PLACEMENT OF CURB, GUTTER AND SIDEWALK; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO ACCEPT THE STREET EASEMENT DEED FROM THE PROPERTY OWNERS

(1-L) RESOLUTION NO. 2007-290 - 460TH AMENDMENT TO MFS RES. 80-420 (1) CORRECTING THE HANDY RIDE BASIC RATE-ADA CERTIFIED PERSONS-ONE WAY RATE UNDER THE TRANSPORTATION DEPARTMENT, AND (2) UPDATING AIRWAYS MUNICIPAL GOLF COURSE GREEN FEES TO COMPLY WITH THE CONTRACT AGREEMENT

(1-M) APPROVE ACQUISITION OF A SEWER EASEMENT FROM THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT (FMFCD) FOR CONSTRUCTION OF A SEWER MAIN ALONG THE DAKOTA AVENUE ALIGNMENT BETWEEN HAYES AND GRANTLAND AVENUES; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR ASSISTANT DIRECTOR TO SIGN THE ACCEPTANCE FOR THE DEED OF EASEMENT AND THE GRANT OF UNDERGROUND SANITARY SEWER PIPELINE EASEMENT WITH CENTEX HOMES AND THE FMFCD

(1-N) BILL NO. B-67 - BILL FOR INTRODUCTION AMENDING UNCODIFIED ORDINANCE TO ADOPT CHANGES AND ADDITIONS TO THE OFFICIAL LIST OF DESIGNATED SPECIAL SPEED ZONES DESIGNATING SPEED LIMITS FOR VARIOUS STREETS WITHIN THE CITY PURSUANT TO FMC SECTION 10-1601

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, **RESOLVED**, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	None
Absent	:	None

(9:00 A.M.) PUBLIC COMMENT PERIOD:

(“A”) SCHEDULED COMMUNICATIONS:

APPEARANCE BY DAVID WELLS TO DISCUSS MODIFICATION CHANGES IN THE FRESNO MUNICIPAL CODE

Not present when called; appearance made towards the end of the meeting.

(“B”) UNSCHEDULED COMMUNICATIONS:

APPEARANCE BY PAULA SAVINO REGARDING THE HOMELESS BEING NEGLECTED

Appearance made; no action taken.

APPEARANCE BY BRUNETTE HARRIS, SOUTHWEST FRESNO HEAT, REGARDING OPPOSITION TO ANY AND ALL PROJECTS PERTAINING TO RUNNING HORSE/SOUTHWEST FRESNO/DOWNTOWN/AND FRESNO AIRPORT AND USING FEDERAL CONSOLIDATED BLOCK GRANT FUNDS FOR THOSE AREAS

Appearance made; no action taken.

(9:15 A.M. "A") DIRECT STAFF TO RETURN ON SEPTEMBER 18, 2007, WITH NECESSARY DOCUMENTS TO REALLOCATE INCENTIVE FUNDING FOR THE MUNICIPAL RESTORATION ZONE (MRZ) TO THE POLICE DEPARTMENT FOR ADDITIONAL PATROL HOURS - COUNCILMEMBER DUNCAN

Councilmember Duncan spoke to the current effort underway to address the city's gang problem, the police department's stretched resources, and the MRZ economic incentive program; stated after talking to almost all the businesses scheduled to receive benefits it was clear the program was not working and there was an opportunity to move desperately needed resources from that program to the police department to combat gangs; **(2 - 0)** elaborated further on the program and survey undertaken stating the program was not an incentive as it was not changing behavior and explained; and stated he hoped Council would support this matter and make a positive move for the safety of the city.

Speaking in opposition to the issue, in support of the incentive program, and/or to the need for more incentive in the urban core were: Steve Geil, CEO, Economic Development Corp, 906 N Street; Keith Kelly, President/CEO of Fresno West Coalition for Economic Development; and Al Smith, President/CEO of the Chamber of Commerce.

City Manager Souza stated he appreciated Councilmember Duncan's concern but from a policing perspective he felt this was premature as the city was only six weeks into the budget and the police department had almost \$4 million of overtime appropriated and available; and stated the appropriate time to visit this issue would be in January, he disagreed with the statement that the program was not working, and it was important to keep the incentive funding for an area with concentrated poverty.

Chief Dyer spoke to the issue and the department's pro-active deployment of resources, and Economic Development Director Johnson spoke to the 19 businesses that have taken advantage of the MRZ program and the 124 jobs that have been generated.

Councilmember Duncan stated he agreed with speaker comments that additional resources were needed but clarified incentives were needed that worked; spoke further to the survey of businesses and reiterated he was told by the businesses that the program did not play a key part in their decisions to add employees, relocate or expand; stressed the program needed to be reinvented and there was a chance here to help the police department make the city safer and challenge the EDD to come back with a program that works; and made a motion to direct staff to return on September 18th with necessary documents to reallocate incentive funding for the Municipal Restoration Zone to the police department. Upon call, the motion died for lack of a second and there was no further discussion.

(9:30 A.M.) GENERAL ADMINISTRATION:

("A") CONSIDERATION OF DOCUMENTS RELATING TO BUSINESS TAX

- 1. ANALYSIS OF THE COST/BENEFIT OF RAISING THE MINIMUM THRESHOLD FOR PAYMENT OF BUSINESS TAX TO ENSURE THE COST OF PROCESSING EACH TRANSACTION DOES NOT EXCEED THE REVENUE RECEIVED**
- 2. RECOMMENDATION REGARDING PROPOSED REPEAL OF FMC SECTION 5-302b**
- 3. BILL NO. B-66 - REPEALING FMC SECTION 5-302b RELATING TO AUTOMATIC INCREASE OF CITY OF FRESNO BUSINESS TAX BASED UPON COST OF LIVING CHANGES - COUNCILMEMBER DUNCAN**

Controller Rousseau reviewed Item #1 and recommended no change be made until new software is installed and related procedural changes are completed (with Councilmember Duncan thanking staff for their analysis), and continued and reviewed #2 recommending Council hold off on repealing the code until a complete review of the business tax area is completed, all as contained in the staff reports as submitted. Relative to concern with the language on raising taxes without further action of the Council, City Manager Souza clarified any increase in the business tax rate would have to be done through the Master Fee Schedule which would require final action by Council, and spoke briefly to Proposition 218 opportunities and the benefit of keeping the code in place.

Councilmember Duncan stated he disagreed with staff's philosophy and stressed any tax increase needed to be debated in public, and stated repealing the code section would send a positive message to the business community.

Ray Dunn, Chair-elect of the Chamber of Commerce, spoke in opposition to staff's recommendation and in support of Councilmember Duncan's position to repeal the code section.

Councilmember Duncan made a motion to adopt the ordinance bill and upon call Councilmember Westerlund seconded the motion for discussion purposes.

Councilmember Calhoun stated staff made a good case on why the ordinance should remain on the books and commented further on the issue stating it would be prudent to leave it in **(3 - 0)**. Councilmember Westerlund stated at first look this was a scary proposition because the increase is automatic but noted the code has not been utilized since 1994; elaborated further on the issue and his reasons for not supporting a repeal of the section; and stated he would support an amendment to take out the "automatic" language as the city manager clarified it does require Council action but he felt it would not be prudent to repeal the section at this time.

A motion of Councilmember Duncan, seconded by Councilmember Westerlund, to adopt the above entitled Bill No. B-66 failed, by the following vote:

Ayes	:	Duncan, Perea
Noes	:	Calhoun, Dages, Sterling, Westerlund, Xiong
Absent	:	None

(“B”) RESOLUTION NO. 2007-291 - ADOPTING GUIDELINES PURSUANT TO THE FMC TO IMPLEMENT THE MAJOR STREET FEES AND ESTABLISHING REGULATIONS REGARDING THE DEDICATION AND IMPROVEMENT REQUIREMENTS FOR STREET WORK FOR DEVELOPMENTS IN THE CITY, as amended

Assistant Planning & Development Director Bergthold introduced the item stating this had been a long process, acknowledged all those who contributed to the subject policies, stated this action was necessary to implement the roadway infrastructure proposed in the 2025 general plan and also provide for fiscal management sustainability with regard to the city's infrastructure obligations, clarified all subdivision maps and building permits filed and issued after the resolution of intent adopted January 23rd will be subject to these new fees, and along with Assistant Public Works Director Mozier reviewed the implementing policies and the several outstanding items of concern with the stakeholders/development industry.

Speaking to the issue were: Mike Prandini, Building Industry Association, 7108 N. Fresno St. Ste. 305, who elaborated further on their concerns/disagreements; and Attorney Jim McKelvey, representing Derrel Ridenour/Derrel's Mini Storage, who advised of their project approved two years ago that should not be subject to the new fees noting staff was in agreement and requested Council's support, and commended staff for their professionalism and work on this issue.

Councilmember Calhoun stated he never thought this time would come and spoke to the importance of everyone paying their fair share and commended staff, and presented questions relative to back-filling the \$15 million gap and if that posed any legal issues, with City Attorney Sanchez and Assistant City Manager Ruiz responding. Councilmember Calhoun thanked all involved and stated nothing is perfect but there was 99% agreement here and made a motion to adopt the resolution as recommended by staff, which motion was seconded by Acting President Xiong.

Discussion ensued with Mr. Bergthold, Mr. Ruiz and Mr. Prandini responding to questions and/or comments of Councilmembers Duncan and Westerlund relative to the original amount of revenue identified by staff needed to cover the cost of growth-induced street impacts, how much this fee structure will generate, the annual review and who will conduct the review, if there was a plan to pro-actively review the fees, the importance of getting into a consistent habit of reviewing all city fees, street fees and maps already vested **(4 - 0)** and if those should have been taken out of the nexus study due to infrastructure already in place, staff's position on the 2-year exception for CUPs and why the BIA wanted a 4-year period, site plan term, and request that staff review and return with a report on implementation and outstanding issues in 12-18 months. Upon request for clarification Planning & Development Director Yovino further explained the Derrel Ridenour issue, advised the Resolution would be amended on Page 8 of the Policies, subsection (g)/second sentence, deleting “and a fully approved plan check (with the exception of existence of annexation to the City).”..., and clarified the language deletion would not reduce Mr. Ridenour's fees but would allow him to present his case to the appeals board adding staff felt he had a good case.

Mr. Sanchez, Mr. Bergthold and Mr. Mozier responded to questions and/or comments of Councilmembers Westerlund, Sterling and President Perea relative to whether the analysis/findings made by Council were sufficient to cover the subject policies, the affordable housing piece and how project fees will be handled, if stakeholders will be involved in the annual review, the development community thanked for being part of the process, and the outstanding issue of vesting rights including what happens once they expire and if the rights can be re-established.

On motion of Councilmember Calhoun, seconded by Acting President Xiong, duly carried, RESOLVED, the above entitled Resolution No. 2007-291 hereby adopted, *as amended, on Page 8 of the Policies, Subsection (g), deleting ... “and a fully approved plan check (with the exception of existence of annexation to the City) ...”*, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	None
Absent	:	None

** President Perea announced for those in attendance the 11:00 A.M. Forest City item would be heard at 2:00 p.m.

(“C”) CONSIDER AUTHORIZING STAFF TO INITIATE THE PROCESS TO ANNEX TWO COUNTY ISLANDS AT E. DAKOTA AND N. MAPLE AVENUES, AND AT W. SPRUCE AND N. MARKS AVENUES

Project Manager Barnes reviewed the issue, all as contained in the staff report as submitted, and recommended approval.

Councilmember Calhoun stated this was the right way to go but he felt people should have the right to vote on whether they want to be annexed therefore he could not support staff’s recommendation. Councilmember Westerlund spoke to the problem with county islands and added he appreciated Council having the authority to initiate this process, and made a motion to approve, which motion was seconded by Councilmember Sterling. Councilmember Duncan also spoke in support stating once people understand the positives they will be supportive.

On motion of Councilmember Westerlund, seconded by Councilmember Sterling, duly carried, RESOLVED, staff authorized to initiate the process of annexing the two county islands, by the following vote:

Ayes	:	Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	Calhoun
Absent	:	None

(“D”) AUTHORIZE THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT WITH TUTELIAN HOLDINGS I, LLC, FOR OFFICE SPACE AT 2440 TULARE STREET, CIVIC CENTER SQUARE, FOR THE BUDGET & MANAGEMENT STUDIES DIVISION

1. RESOLUTION NO. 2007-292 - 11TH AMENDMENT TO AAR 07-214 APPROPRIATING \$50,000 FOR ADDITIONAL RENT AND FACILITY EXPENSES RELATED TO INCREASING SPACE AND RELOCATING OPERATIONS

2. RESOLUTION NO. 2007-293 - 12TH AMENDMENT TO AAR 07-214 INCREASING APPROPRIATIONS IN THE B&MSD BY \$145,400 AND THE INTERNAL AUDIT FUND BY \$34,600 FOR RELOCATION EXPENSES

Budget Manager Smith reviewed the issue, all as contained in the staff report as submitted. Councilmember Sterling thanked staff for her tour of the new facilities and Tutelian Holdings stating this was a win-win for all, and made a motion to approve, which motion was seconded by Councilmember Dages. Ms. Smith responded to questions of Councilmembers Westerlund, Xiong and Duncan relative to funding source for associated costs, cost for rent, Planning & Development’s expansion plans, if DPU will also be moving out of city Hall, number of employees that will be leaving City Hall, loss of employees and impact on the City Hall Café, and need for staff to discuss the city’s long-range plans with the café and need to advertise the City Hall Café.

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, the City Manager authorized to enter into the above entitled lease agreement, and the above entitled Resolution Nos. 2007-292 and 2007-293 hereby adopted, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent : None

(“E”) RESOLUTION - ADOPTING AN INVESTMENT POLICY FOR PUBLIC FUNDS FOR FY 2007-08

Finance Director/Controller Rousseau gave an in-depth review of the issue and policy changes, all as contained in the staff report as submitted.

David Wells, P.O. Box 1733, spoke in support of the policy **(5 - 0)**.

Councilmember Westerlund stated he appreciated staff’s analysis; clarified Council gave direction to amend the policy and did not make recommendations; spoke to the changes including the raise from 2% to 4%, the intent to make investments in local financial institutions who do their primary business in Fresno, the conservative approach with AB 2011, and the requirement for annual reports; and made a motion to adopt the Resolution with two amendments to Section D-1 on Page 19 of the Policy as follows: (1) 13th sentence, deleting the language “...or, if it does not have a head office in any such County, the Institution has a branch office located in Fresno County”..., and (2) 15th sentence, decreasing the threshold from \$250,000,000 to \$150,000,000. The motion was seconded by Councilmember Sterling. Councilmember Calhoun stated the bank summit was an excellent idea as opposed to individual meetings, and stated he was prepared to support the policy but the amendments came too fast and upon his question Mr. Rousseau stated staff disagreed with the proposed amendments and explained. Councilmember Calhoun stated he could not support the motion and would follow staff’s recommendation as significant progress was being made. Proceedings were interrupted for the lunch recess.

LUNCH RECESS - 11:55 A.M. - 2:00 P.M. Councilmember Calhoun arrived shortly into the meeting.

(“E”) RESOLUTION - ADOPTING AN INVESTMENT POLICY FOR PUBLIC FUNDS FOR FY 2007-08 - Continued

Councilmember Westerlund advised he spoke with Mr. Rousseau over the break and he wanted to continue the matter to the next meeting.

On motion of Councilmember Westerlund, seconded by President Perea, duly carried, RESOLVED, Item 9:30 A.M. “E” continued to September 18, 2007, by the following vote:

Ayes : Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent : Calhoun

(10:00 A.M.) WORKSHOP WITH NAVIGANT CONSULTING ON THE CHANGE OF GOVERNANCE STRUCTURE IN THE DEPARTMENT OF PUBLIC UTILITIES

Public Utilities Director Ramirez introduced the item and spoke briefly to the background. Councilmember Calhoun arrived at 2:02 p.m.

Larry Regal of Navigant Consulting gave an in-depth PowerPoint presentation on the issue which included the background of Phases I and II, Phase III progress to date, and the next steps.

Alex Correa, representing FCEA, 2140 Merced Street, spoke in opposition to forming a Municipal Water District (MWD) stating it could potentially harm a great number of city employees, stated the employees could continue providing the services , and urged Council to do their due diligence.

Councilmembers Calhoun, Duncan, Sterling and Westerlund presented questions, comments, and/or concerns relative to whether the impact on employees' retirement could be significant, when answers were expected on the options of CALPERS and the possibility of an MWD being part of the city's retirement system, what the status was on separating solid waste from the more traditional water/sewer services, if separation would be a Board decision, importance of competition and if anything was being proposed to limit competition, who would set policies/establish by-laws, concern that rates were not raised sooner when recommended by staff, on-going concern of residents being unable to pay their utility bills, concern with the employee retirement issue, the large upcoming projects and how the City and a MWD will coordinate/communicate, and an MWD and the public bid process. Mr. Ramirez and Mr. Regal responded throughout and there was no further discussion.

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- (10:30 A.M.) HEARING ON REZONE APPLICATION NO. R-07-38 AND ENVIRONMENTAL FINDINGS FILED BY DON ESKEES ON BEHALF OF ONE BY ONE LEADERSHIP FOUNDATION, PROPERTY LOCATED ON THE NORTHWESTERLY CORNER OF SAN JOAQUIN AND "L" STREETS (2221 SAN JOAQUIN STREET)**
- 1. CONSIDER AND ADOPT E.A. NO. R-07-38/TPM 2007-22, DETERMINATION OF INITIAL LSTUDY TO FILE A FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR**
- 2. BILL NO. B-68 - ORDINANCE NO. 2007-65 - AMENDNIG THE OFFICIAL ZONE MAP TO REZONE FROM C-P TO C-4**

President Perea announced the time had arrived to consider the issue and opened the hearing. City Attorney Sanchez advised he was a One by One Board member and recused himself and left the meeting at 2:35 p.m. Planner Zuniga advised the staff report as submitted was complete and there was no new information to add.

Applicant Don Eskes thanked staff and requested Council's support.

Upon call, no one else wished to be heard and President Perea closed the public hearing.

Councilmember Sterling thanked One by One Leadership **(6 - 0)** and staff stating this was a good partnership, and made a motion to approve staff's recommendation.

On motion of Councilmember Sterling, seconded by President Perea, duly carried, **RESOLVED**, the environmental finding for the above entitled E.A. hereby approved, and the above entitled Bill No. B-68 adopted as Ordinance No. 2007-65, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	None
Absent	:	None

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(11:00 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

The City Council recessed at 2:37 p.m. and convened in joint session with the Redevelopment Agency.

APPROVE AGENCY MINUTES OF JULY 31, 2007

On motion of Councilmember Dages, seconded by Councilmember Westerlund, duly carried, **RESOLVED**, the Agency minutes of July 31, 2007, approved as submitted.

APPROVE AGENCY MINUTES OF AUGUST 21, 2007

On motion of Councilmember Westerlund, seconded by President Perea, duly carried, **RESOLVED**, the Agency minutes of August 21, 2007, approved as submitted.

(“A”) PRESENTATION FROM FOREST CITY DEVELOPMENT, INC., REGARDING THE SOUTH STADIUM PROJECT AND CONSIDERATION OF RELATED ACTIONS

1. APPROVE FOREST CITY ENTERPRISES'S PROPOSED DESIGN CONCEPT FOR THE "DISTRICT OF FOUNTAINS" AS PREPARED BY CALTHORPE ASSOCIATES, FOR THE PURPOSE OF GIVING DIRECTION TO PROCEED WITH PREPARATION AND PROCESSING OF AN EIR
2. REVIEW DEVELOPER'S PRELIMINARY CONCEPTUAL LEVEL FEASIBILITY PROFORMA AND DIRECT STAFF TO WORK WITH THE DEVELOPER TO DEVELOP A FINANCIAL PLAN AND IDENTIFY APPROPRIATE FUNDING SOURCES
3. AUTHORIZE THE EXECUTIVE DIRECTOR TO FINALIZE AGREEMENT WITH IMPACT SCIENCES FOR THE PREPARATION OF THE EIR (INCLUDING CEQA AND NEPA GUIDELINES) FOR THE PROPOSED CONCEPT
4. AUTHORIZE THE EXECUTIVE DIRECTOR TO EXTEND THE EXCLUSIVE NEGOTIATING AGREEMENT (ENA) TO ALLOW FOR COMPLETION OF THE EIR

Chair Sterling thanked Forest City for getting this project before the joint bodies this date, stated it was her hope after the presentation that the city can move forward with rooftops which are badly needed downtown, and made a motion to approve staff's recommendations, which motion was seconded by Councilmember Duncan.

Director Murphey introduced the item and the presenters, and along with Residential Group President Kevin Ratner, Residential Group Vice President Catherine Perez, and Keyser Marsten principal/Agency financial advisor Cal Hollis gave a PowerPoint presentation which included an overview of Forest City Enterprises, the District of Fountains project and preliminary plan economics, and the proposed public investment. Ms. Murphey concluded the presentation with a review of the environmental process and the recommended actions, all as contained in the staff report as submitted.

Speaking to the issue were: Dan Ronquillo, support for the project (**7 - 0**); David Wells, opposed, citing other priorities; Al Smith, Chamber of Commerce, 2331 Fresno Street, support; Steve Geil, Economic Development Corp., 906 N Street, support; Travis Sheridan, Creative Fresno, 1358 N. Van Ness, support; Suzanne Bert-Rosa, 320 E. Simpson, support, who also submitted a letter of support from Jaime Holt, a copy of which is on file in the office of the City Clerk; John Hudson, 3688 N. Delano, support; and Carol Casey, support. Chair Sterling acknowledged receipt of the letter from Ms. Holt and entered it into the record.

Discussion ensued with Councilmembers Duncan, Dages, Westerlund and President Perea all speaking to the project and in support, with a few questions presented relative to veto authority, number of stories for residential, ground lease versus purchase, property taxes to be derived, project time line, and Mr. Hollis' role in this project, with Ms. Perez and Mr. Hollis responding throughout. City Manager Souza clarified Mayor Autry appreciated the vision but his concern was with the time line and 85 acres being tied up. Chair Sterling stated the original Forest City project had the cart before the horse but they had it right now (**8 - 0**), and stated this will be a plan with options to deal with issues such as the homeless and infrastructure needs and it would be a destination project.

On motion of Chair Sterling, seconded by Councilmember Duncan, duly carried, RESOLVED, Forest City Enterprises's proposed design concept for the District of Fountains hereby approved, the Developer's preliminary conceptual level feasibility preform reviewed and staff directed to work with the Developer to develop a financial plan and identify appropriate funding sources; and the Executive Director authorized to finalize the agreement with Impact Sciences for preparation of the EIR and extend the ENA to allow for completion of the EIR, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Perea, Westerlund, Xiong, Sterling
Noes	:	None
Absent	:	None

("B") CONSIDER AGENCY APPROVAL OF AN OWNER PARTICIPATION AGREEMENT (OPA) WITH GARY LANFRANCO, JUDY LANFRANCO, ALBERT LANFRANCO, LINDA LANFRANCO, GENE LANFRANCO, FRANCES MARIE LANFRANCO AND RENO LEE LANFRANCO IN THE CHINATOWN EXPANDED REDEVELOPMENT PROJECT AREA

1. AGENCY RESOLUTION NO. 1707 - WAIVING CERTAIN OWNER PARTICIPATION CRITERIA AND APPROVING AN OPA WITH GARY LANFRANCO, ET AL
2. AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE THE OPA

Project Manager Freeman reviewed the issue, all as contained in the staff report as submitted, and a motion and second was made to approve staff's recommendation.

Mr. Freeman and Director Murphey responded to questions of Chair Sterling relative to how this OPA differed from others, if staff was expecting additional OPA requests, and if the Lanfrancos were satisfied with the agreement. Councilmember Westerlund left the meeting at 4:22 p.m. during questioning

On motion of Councilmember Duncan, seconded by President Perea, duly carried, RESOLVED, the above entitled Agency Resolution No. 1707 hereby adopted, and the Executive Director authorized to execute the OPA and take such further actions as may be necessary/appropriate to carry out the Agency's obligations under the Agreement, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Perea, Xiong, Sterling
Noes	:	None
Absent	:	Westerlund

(“C”) APPROVE AND AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE A PURCHASE AND SALE AGREEMENT FOR THE PURCHASE OF 3702 E. VENTURA STREET OWNED BY CUBERTO AND IMELDA HERNANDEZ

Councilmember Westerlund returned to the meeting at 4:25 p.m. Director Murphey reviewed the issue, all as contained in the staff report as submitted, and Councilmember Dages spoke briefly to the issue and in support and made a motion to approve staff's recommendation.

On motion of Councilmember Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the Executive Director authorized to enter into a Purchase and Sale Agreement for purchase of 3702 E. Ventura, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Perea, Westerlund, Xiong, Sterling
Noes	:	None
Absent	:	None

(2:00 P.M. #2) AGENCY CLOSED SESSION:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION - TITLE: EXECUTIVE DIRECTOR OF THE REDEVELOPMENT AGENCY (CHAIR STERLING)

Laid over to September 18, 2007, at the direction of Chair Sterling.

(“D”) JOINT RESOLUTION NO. 2007-294/1708 - APPROVING A LETTER OF INTENT (LOI) REGARDING A DISPOSITION AND DEVELOPMENT AGREEMENT WITH THE LEGACY REAL ESTATE GROUP, LLC (DEVELOPER), TO DEVELOP A MIXED USE PROJECT ON THE CURRENT PARKING LOT SITE EAST OF THE SELLAND ARENA; AUTHORIZING THE CITY MANAGER AND EXECUTIVE DIRECTOR TO NEGOTIATE WITH THE DEVELOPER TO REACH AN AGREEMENT; AND AUTHORIZING ALL NECESSARY ACTIONS RELATED TO THE TRANSACTION

City Manager Souza gave a brief overview of the issue, and Brian Glover, partner with the Fresno Falcons/Grizzlies/Fuego, 12623 Auberry Rd., Clovis, submitted written material to Council and gave a PowerPoint presentation on their proposed project.

Director Murphey responded to questions of Councilmember Dages relative to housing set aside funds and if funds used for rehabs and seniors would be jeopardized. A motion and second was made to approve staff's recommendation. Mr. Glover responded to questions of Councilmembers Westerlund and Xiong relative to proforma numbers, public subsidy amount, and percentage of the project being privately funded. President Perea and Chair Sterling commended the developer stating this was something to celebrate.

On motion of Councilmember Dages, seconded by Chair Sterling, duly carried, RESOLVED, the above entitled Joint Resolution No. 2007-294/1708 hereby adopted, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Perea, Westerlund, Xiong, Sterling
Noes	:	None
Absent	:	None

The joint bodies adjourned their meeting at 4:45 p.m. and the City Council reconvened in regular session.

(3:00 P.M.) ISD NETWORK MIGRATION PROJECT - PROFESSIONAL SERVICES

1. APPEARANCE BY LISA VARGAS, CLIENT MANAGER FOR NOVELL, INC., TO PRESENT FACTS AND IMPACTS

2. RATIFY AGREEMENT WITH CONVERGENT COMPUTING FOR RFP 2636 - PHASE I NETWORK MIGRATION ANALYSIS

3. APPROVE AMENDMENT TO AGREEMENT WITH CONVERGENT COMPUTING FOR RFP 2636 - PHASE II NETWORK MIGRATION IMPLEMENTATION TO NOT EXCEED \$535,811

On motion of President Perea, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled 3:00 p.m. Item laid over to September 18, 2007, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	None
Absent	:	None

(2:00 P.M. #1) CONTESTED CONSENT CALENDAR:

(1-F) AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO ENTER INTO A LEASE EXTENSION ON THE CURRENT HANDY RIDE FACILITY

Transportation Director Hamm responded to questions/comments of Councilmember Sterling relative to how this matter affected the current operations with MV Transportation, request staff work with her office on potential locations downtown if a final determination is not made, status of the new paratransit contract, and how this will affect the pending paratransit contract in the future. A motion and second was made to approve staff's recommendation. ATU representative Rick Steitz and President Perea presented questions relative to where the new CNG vehicles will be serviced since the current facility is not equipped to service them, and time line for receiving the new vehicles.

After the following vote, Carol Casey spoke in support of the issue.

On motion of Councilmember Sterling, seconded by Councilmember Westerlund, duly carried, RESOLVED, the Director of Transportation authorized to enter into an extension of the current Handy Ride facility lease agreement, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	None
Absent	:	None

(1-G) APPROVE A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY, ROEDING PARK PLAYLAND, FRESNO STORYLAND, AND FRESNO'S CHAFFEE ZOO CORPORATION REGARDING PRELIMINARY ROEDING PARK MASTER USE, ENVIRONMENTAL AND DEVELOPMENT PLANNING

PR&CS Director Cooper, City Manager Souza, Storyland/Playland Director Barry Falke and Zoo Director Greene responded to questions of Councilmember Westerlund relative to whether a master plan currently existed, changes to the agreement, time line to approve the MOU, what this MOU will provide for, funding source, amenities planned, staff's review of the master plan, time line for the EIR, and lack of a venue clause in the contract. Councilmember Westerlund made a motion to approve the MOU as amended adding a venue clause, whereupon city attorney staff clarified there was no venue issue as the MOU was with local parties.

(9 - 0) On motion of Councilmember Westerlund, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled MOU hereby approved, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	None
Absent	:	None

RECESS - 5:05 P.M. - 5:10 P.M.

(2:00 P.M. #2) CLOSED SESSION:

(‘A’) CONFERENCE WITH LABOR NEGOTIATOR - EMPLOYEE ORGANIZATIONS:

1. INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 100 (IBEW)
2. INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 753 (IAFF MANAGEMENT UNIT)
3. INTERNATIONAL UNION OF OPERATING ENGINEERS, STATIONARY ENGINEERS (LOCAL 39)

(‘B’) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAMES:

1. RICHARD AARON JONES, ET AL. V. COF, ET AL.
2. COF V. ROSALIE MORTON, ET AL.

The City Council met in closed session in Room 2125 at the hour of 5:10 p.m. to consider the above matters and reconvened in regular open session at 5:29 p.m.

CLOSED SESSION ANNOUNCEMENT

City Attorney Sanchez announced in the matter of Item **B-1**, Richard Aaron Jones, et al. v. COF, et al., Council authorized an appeal of the case on a vote of 7-0.

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(9:00 A.M.) PUBLIC COMMENT PERIOD - SCHEDULED COMMUNICATIONS:

APPEARANCE BY DAVID WELLS TO DISCUSS MODIFICATION CHANGES IN THE FRESNO MUNICIPAL CODE

Appearance made with Mr. Wells submitting material into the record on the city of Oakland’s bonding policies.

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(4:00 P.M.) 2007 CYCLE I TRIMESTER PLAN AMENDMENT HEARINGS:

(‘A’) HEARING ON PLAN AMENDMENT APPLICATION NO. A-06-23, REZONE APPLICATION NO. R-06-71, AND ENVIRONMENTAL FINDINGS FILED BY ROBERT LOGAN ON BEHALF OF RAVINDER BASSI, SOUTHEAST CORNER OF W. SHAW AND N. WEST AVENUES

(‘B’) HEARING ON PLAN AMENDMENT APPLICATION NO. A-06-26, REZONE APPLICATION NO. R-06-73, AND ENVIRONMENTAL FINDINGS, FILED BY JEFF CAZALY ON BEHALF OF RICK GINDER, PROPERTY LOCATED ON THE WEST SIDE OF THE N. CHESTNUT DIAGONAL AND N. DEARING INTERSECTION BETWEEN E. HERNDON AND E. ALLUVIAL AVENUES

(‘C’) HEARING ON PLAN AMENDMENT APPLICATION NO. A-06-27, REZONE APPLICATION NO. R-06-74, AND ENVIRONMENTAL FINDINGS FILED BY BILL DES JARDINS AND THE CITY OF FRESNO, PROPERTY LOCATED ON THE SOUTH SIDE OF W. WHITESBRIDGE BETWEEN S. WEST AVENUE DIAGONAL AND S. CRYSTAL AVENUE

(‘D’) HEARING ON PLAN AMENDMENT APPLICATION NO. A-06-28, REZONE APPLICATION NO. R-06-75, AND ENVIRONMENTAL FINDINGS FILED BY VRPA ON BEHALF OF HUSSIN AHMED SALEH, PROPERTY LOCATED ON THE NORTHWEST CORNER OF W. BELMONT AND N. HUGHES AVENUES; AND DETACHMENT OF PROPERTY FROM THE KINGS RIVER CONSERVATION DISTRICT AND FRESNO COUNTY FIRE PROTECTION DISTRICT AND ANNEXATION OF SAME TO THE CITY OF FRESNO

(‘E’) HEARING ON PLAN AMENDMENT APPLICATION NO. A-06-29, REZONE APPLICATION NO. R-06-76, AND ENVIRONMENTAL FINDINGS FILED BY LY NGUYEN, PROPERTY LOCATED ON THE EAST SIDE OF N. CEDAR BETWEEN E. FLORADORA AND E. HOME AVENUES

President Perea announced the time had arrived to consider the issue and opened the hearing on all five plan amendment applications.

Upon call, no one wished to be heard on any of the applications and President Perea closed the public hearing.

Planning Manager Haro gave a brief introduction advising the five applications represented only eleven acres and were relatively easy amendments, and stated the staff reports as submitted on all five were complete and there was no new information to add.

(“A”) HEARING ON PLAN AMENDMENT APPLICATION NO. A-06-23, REZONE APPLICATION NO. R-06-71, AND ENVIRONMENTAL FINDINGS FILED BY ROBERT LOGAN ON BEHALF OF RAVINDER BASSI, SOUTHEAST CORNER OF W. SHAW AND N. WEST AVENUES

- 1. CONSIDER AND ADOPT E.A. NO. A-06-23/R-06-71, DETERMINATION OF INITIAL STUDY TO FILE A MITIGATED NEGATIVE DECLARATION**
- 2. RESOLUTION NO. 2007-295 - AMENDING THE GENERAL PLAN AND BULLARD COMMUNITY PLAN**
- 3. BILL NO. B-69 - ORDINANCE NO. 2007-66 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-P TO C-6**

On motion of President Perea, seconded by Councilmember Dages, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for the subject E.A. hereby approved, the above entitled Resolution No. 2007-295 hereby adopted, and the above entitled Bill No. B-69 adopted as Ordinance No. 2007-66, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	None
Absent	:	None

(“B”) HEARING ON PLAN AMENDMENT APPLICATION NO. A-06-26, REZONE APPLICATION NO. R-06-73 AND ENVIRONMENTAL FINDINGS FILED BY JEFF CAZALY ON BEHALF OF RICK GINDER, PROPERTY LOCATED ON THE WEST SIDE OF THE N. CHESTNUT DIAGONAL AND N. DEARING INTERSECTION BETWEEN E. HERNDON AND E. ALLUVIAL AVENUES

- 1. CONSIDER AND ADOPT E.A. NO. A-06-26/R-06-73/S-06-434, DETERMINATION OF INITIAL STUDY TO FILE A MITIGATED NEGATIVE DECLARATION**
- 2. RESOLUTION NO. 2007-296 - AMENDING THE FRESNO GENERAL PLAN AND WOODWARD PARK COMMUNITY PLAN**
- 3. BILL NO. B-70 - ORDINANCE NO. 2007-67 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-5/UGM AND R-1/UGM/cz TO C-P/UGM**

Councilmember Duncan stated these plan amendments showed that the general plan was doing its job and made a motion to approve staff's recommendation.

On motion of Councilmember Duncan, seconded by Councilmember Westerlund, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for the subject E.A. hereby approved, the above entitled Resolution No. 2007-296 hereby adopted, and the above entitled Bill No. B-70 adopted as Ordinance No. 2007-67, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	None
Absent	:	None

(“C”) HEARING ON PLAN AMENDMENT APPLICATION NO. A-06-27, REZONE APPLICATION NO. R-06-74, AND ENVIRONMENTAL FINDINGS FILED BY BILL DES JARDINS AND THE CITY OF FRESNO, PROPERTY LOCATED ON THE SOUTH SIDE OF W. WHITESBRIDGE BETWEEN THE S. WEST AVENUE DIAGONAL AND S. CRYSTAL AVENUE

- 1. CONSIDER AND ADOPT E.A. NO. A-06-27/R-06-74, DETERMINATION OF INITIAL STUDY TO FILE A MITIGATED NEGATIVE DECLARATION**
- 2. RESOLUTION NO. 2007-297 - AMENDING THE FRESNO GENERAL PLAN, EDISON COMMUNITY PLAN, AND THE FRESNO-CHANDLER DOWNTOWN AIRPORT MASTER AND ENVIRONS SPECIFIC PLAN**
- 2. BILL NO. B-71 - ORDINANCE NO. 2007-68 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-A TO M-1/cz**
- 3. BILL NO. B-72 - ORDINANCE NO. 2007-69 - AMENDING THE FRESNO-CHANDLER DOWNTOWN AIRPORT MASTER AND ENVIRONS SPECIFIC PLAN**

On motion of Councilmember Sterling, seconded by Councilmember Westerlund, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for the subject E.A. hereby approved, the above entitled Resolution No. 2007-297 hereby adopted, and the above entitled Bill Nos. B-71 and B-72 adopted as Ordinance Nos. 2007-68 and 2007-69, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent : None

(‘D’) HEARING ON PLAN AMENDMENT APPLICATION NO. A-06-28, REZONE APPLICATION NO. R-06-75, AND ENVIRONMENTAL FINDINGS FILED BY VRPA ON BEHALF OF HUSSIN AHMED SALEH, PROPERTY LOCATED ON THE NORTHWEST CORNER OF W. BELMONT AND N. HUGHES AVENUES; AND DETACHMENT OF PROPERTY FROM THE KINGS RIVER CONSERVATION DISTRICT AND FRESNO COUNTY FIRE PROTECTION DISTRICT AND ANNEXATION OF THE PROPERTY TO THE CITY OF FRESNO

1. CONSIDER AND ADOPT E.A. NO. A-06-28/R-06-75, DETERMINATION OF INITIAL STUDY TO FILE A MITIGATED NEGATIVE DECLARATION
2. **RESOLUTION NO. 2007-298** - AMENDING THE FRESNO GENERAL PLAN AND WEST AREA COMMUNITY PLAN
3. **BILL NO. B-73 - ORDINANCE NO. 2007-70** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-1 AND C-M TO C-6

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for the subject E.A. hereby approved, the above entitled Resolution No. 2007-298 hereby adopted, and the above entitled Bill No. B-73 adopted as Ordinance No. 2007-70, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent : None

(‘E’) HEARING ON PLAN AMENDMENT APPLICATION NO. A-06-29, REZONE APPLICATION NO. R-06-76, AND ENVIRONMENTAL FINDINGS FILED BY LY NGUYEN, PROPERTY LOCATED ON THE EAST SIDE OF N. CEDAR BETWEEN E. FLORADORA AND E. HOME AVENUES

1. CONSIDER AND ADOPT E.A. NO. A-06-29/R-06-76/C-06-339, DETERMINATION OF INITIAL STUDY TO FILE A MITIGATED NEGATIVE DECLARATION
2. **RESOLUTION NO. 2007-299** - AMENDING THE FRESNO GENERAL PLAN AND ROOSEVELT COMMUNITY PLAN
3. **BILL NO. B-74 - ORDINANCE NO. 2007-71** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-1 TO C-5

On motion of President Perea, seconded by Councilmember Sterling, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for the subject E.A. hereby approved, the above entitled Resolution No. 2007-299 hereby adopted, and the above entitled Bill No. B-74 adopted as Ordinance No. 2007-71, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent : None

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 5:39 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

Approved on the ____18th____ day of ____September____, 2007.

_____/s/_____
Henry T. Perea, Council President

ATTEST: _____/s/_____
Yolanda Salazar, Assistant City Clerk